



LODI CITY COUNCIL

Carnegie Forum

305 West Pine Street, Lodi

AGENDA – REGULAR MEETING

Date: October 19, 2005

Time: Closed Session 6:00 p.m.
Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

NOTE: All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.

C-1 Call to Order / Roll Call

C-2 Announcement of Closed Session

- a) Actual litigation: Government Code §54956.9(a); one case; Farr Associates v. City of Lodi, San Joaquin County Superior Court, Case No. CV-025075
- b) Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(B) regarding former Electric Utility Director
- c) Conference with Blair King, City Manager, and/or Jere Kersnar, Interim Deputy City Manager (Acting Labor Negotiators), regarding International Brotherhood of Electrical Workers and Lodi Police Officers Association, pursuant to Government Code §54957.6

C-3 Adjourn to Closed Session

NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.

C-4 Return to Open Session / Disclosure of Action

A. Call to Order / Roll call

B. Invocation – Pastor Steve Newman, First Baptist Church

C. Pledge of Allegiance

D. Presentations

D-1 Awards

- a) Presentation of the Community Improvement Award (CD)

D-2 Proclamations

- a) National Business Women's Week

D-3 Presentations – None

E. Consent Calendar (Reading; comments by the public; Council action)

- E-1 Receive Register of Claims in the amount of \$5,770,896.72 (FIN)

E-2 Approve minutes (CLK)

- a) September 7, 2005 (Regular Meeting)
- b) September 7, 2005 (Special Joint Meeting w/Redevelopment Agency)
- c) September 21, 2005 (Regular Meeting)
- d) October 11, 2005 (Shirtsleeve Session)

Pulled

- Res. E-3 Approve plans and specifications and authorize advertisement for bids for water meter installations (PW)
- Res. E-4 Adopt resolution approving specifications, authorizing advertisement for bids for Maintenance of Landscape Areas for 2006, and authorizing the City Manager to award or reject the contracts up to an estimated \$170,000 (PW)
- Res. E-5 Adopt resolution awarding contract for Lockeford Street Water Main (Church Street to Sacramento Street) and Olive Court Water Main Replacement (Pleasant Avenue to Church Street) Project to Arrow Construction Company, of Ceres (\$337,760), and appropriating an additional \$108,000 for the project (PW)
- Res. E-6 Adopt resolution authorizing the City Manager to file claim for 2005-06 Transportation Development Act funds in the amount of \$2,694,887 from Local Transportation Fund and \$11,614 from State Transit Assistance (PW)
- Res. E-7 Adopt resolution authorizing the City Manager to execute an addendum to the professional services agreement with Borismetrics, Inc., approved May 4, 2005, to increase funding to support Electric Utility Department's rate analysis and resource acquisition needs (\$50,000) (EUD)
- Res. E-8 Adopt resolution authorizing the City Manager to approve Supplement Number 4 to the Northern California Power Agency (NCPA) Joint Powers Agreement approving the Bay Area Rapid Transit District as a full member to NCPA (EUD)
- Res. E-9 Adopt resolution authorizing the City Manager to enter into an agreement for Workers Compensation claims adjusting and administration services with Gregory B. Bragg & Associates, Inc. (\$94,000 year one; \$98,000 year two, \$102,000 year three) (HR)
- E-10 Set public hearing for November 2, 2005, to consider the Planning Commission's recommendation of approval of the request of John Costamagna for a rezone from R-2, Residential Single Family, to PD (37), Planned Development Number 37, for Luca Place, a 17-lot, low-density, single-family residential subdivision located at 1380 Westgate Drive, and approve Negative Declaration ND-05-04 as adequate environmental documentation for the project (CD)

F. Comments by the public on non-agenda items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

G. Comments by the City Council Members on non-agenda items

H. Comments by the City Manager on non-agenda items

I. Public Hearings

- Res. I-1 Public hearing to consider resolution adopting 2005-06 Federal Program of Transit Projects Lodi Urbanized Area (PW)
- Res. I-2 Public hearing to review, adopt, and confirm the Cost Report for weed abatement on properties located at 1527 Magic Lane (APN 031-250-44) and 1315 Industrial Way (APN 049-250-67) and providing for collection through the San Joaquin County Auditor's Office (FD)

J. Communications

- J-1 Claims filed against the City of Lodi – None
- J-2 Appointments – None
- J-3 Miscellaneous – None

K. Regular Calendar

K-1 Take the following actions:

Ord. a) Adopt Urgency Ordinance No. 1765 amending Lodi Municipal Code Title 13 – Public
(Adopt urg. ord.) Services – Chapter 13.20, “Electrical Service,” by repealing and reenacting Sections
Res. 13.20.175 (D)-(1), (5), and (6) relating to Market Cost Adjustment (MCA) billing factor
and repealing Section 13.20.185 in its entirety relating to preexisting electric rates; and
adopt resolution implementing the MCA; and

Ord. b) Introduce Ordinance No. 1766 amending Lodi Municipal Code Title 13 – Public Services
(Introduce) – Chapter 13.20, “Electrical Service,” by repealing and reenacting Sections 13.20.175
(D)-(1), (5), and (6) relating to Market Cost Adjustment billing factor and repealing
Section 13.20.185 in its entirety relating to preexisting electric rates (EUD / CA)

Pulled Res. **K-2** Adopt resolution accepting Impact Mitigation Fee Program Annual Report for fiscal year 2004-05
(PW)

Pulled Res. **K-3** Adopt resolution approving the Americans with Disabilities Act Transition Plan and forming a
special ad hoc committee to obtain community input regarding future use and improvements for
the Grape Bowl under the direction of the Parks and Recreation Commission (CD)

Pulled **K-4** Approve expenses incurred by outside counsel relative to the Wal-Mart Supercenter Store
litigation and miscellaneous general counsel advice (\$2,433.51) and approve Special Allocation
covering these expenses (CA)

Res. K-5 Adopt resolution ratifying settlement agreement with former Electric Utility Director Alan Vallow
and appropriate funds therefor (CM)

L. Ordinances – None

M. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least
72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

Susan J. Blackston
City Clerk